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Sector \$
PATENT
Attorney Docket No. OPHD-03282

In re Application of: John A. Kink
Serial No.: 09/095,536
Filed: 06/10/98
Entitled: Prevention and Treatment of Sepsis

Group No.: 1654
Examiner:

RESPONSE TO NOTICE TO FILE MISSING PARTS

Attn: Box Missing Parts
Assistant Commissioner for Patents
Washington, D.C. 20231

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CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8(a)(1)(i)(A)

I hereby certify that this correspondence (along with any referred to as being attached or enclosed) is, on the date shown below, being deposited with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Attn: Box Missing Parts, Assistant Commissioner for Patents, Washington, D.C. 20231.

Dated: August 25, 1998

By:

Linda P. Collins

Sir or Madam:

In response to the Notice to File Missing Parts of Application -- Filing Date Granted (Form PTO-1533) mailed 06/25/98 (a copy of which is enclosed), applicant submits the following documents:

- ▶ Executed declaration or oath
- ▶ Verified statement claiming Small Entity Status
- ▶ an Assignment document for recording whereby the subject application and the invention disclosed therein is assigned to Ophidian Pharmaceuticals, Inc., 5445 East Cheryl Parkway, Madison, Wisconsin 53711 and a Recordation Form Cover Sheet -- Patents Only (Form PTO-1595)
- ▶ Power of Attorney by Assignee
- ▶ Preliminary Amendment

A check in the amount of \$105.00 is enclosed herewith to cover a \$65.00 surcharge for filing missing parts of an application and \$40.00 recordation fee. The Commissioner is hereby authorized to charge payment of any fees associated with this communication or credit any overpayment to Deposit Account No. 08-1290. An originally executed duplicate of this transmittal is enclosed for this purpose.

Dated: August 25, 1998

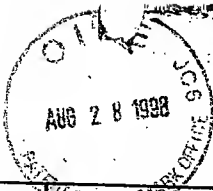
Peter G. Carroll
Registration No. 32,837

09/03/1998 ASELLMAN 00000085 09095536

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San Francisco, California 94104
415/705-8410



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|--------------------|---------------------|-----------------------|---------------------------|
| APPLICATION NUMBER | FILING RECEIPT DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NO./TITLE |
|--------------------|---------------------|-----------------------|---------------------------|

097095.536 06/10/98 KINK

DPHD-03282

VIRGINIA S MEDLEN
MEDLEN AND CARROLL
SUITE 2200
220 MONTGOMERY STREET
SAN FRANCISCO CA 94104

0222/0625

NOT ASSIGNED

1654

DATE MAILED:

06/25/98

NOTICE TO FILE MISSING PARTS OF APPLICATION
Filing Date Granted

An Application Number and Filing Date have been assigned to this application. The items indicated below, however, are missing. Applicant is given TWO MONTHS FROM THE DATE OF THIS NOTICE within which to file all required items and pay fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). If any of items 1 or 3 through 5 are indicated as missing, the SURCHARGE set forth in 37 CFR 1.16(e) of ☐ \$65.00 for a small entity in compliance with 37 CFR 1.27, or ☒ \$130.00 for a non-small entity, must also be timely submitted in reply to this NOTICE to avoid abandonment.

If all required items on this form are filed within the period set above, the total amount owed by applicant as a ☐ small entity (statement filed) ☒ non-small entity is \$ 130.00

☐ 1. The statutory basic filing fee is:

- ☐ missing.
- ☐ insufficient.

Applicant must submit \$ _____ to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).

☐ 2. Additional claim fees of \$ _____, including any multiple dependent claim fees, are required.

\$ _____ for _____ independent claims over 3.

\$ _____ for _____ dependent claims over 20.

\$ _____ for multiple dependent claim surcharge.

Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.

☒ 3. The oath or declaration:

- ☒ is missing or unexecuted.
- ☐ does not cover the newly submitted items.
- ☐ does not identify the application to which it applies.
- ☐ does not include the city and state or foreign country of applicant's residence.

An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date is required.

☐ 4. The signature(s) to the oath or declaration is/are by a person other than inventor or person qualified under 37 CFR 1.42, 1.43 or 1.47.

A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

☐ 5. The signature of the following joint inventor(s) is missing from the oath or declaration:

An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date, is required.

- ☐ 6. A \$50.00 processing fee is required since your check was returned without payment (37 CFR 1.21(m)).
- ☐ 7. Your filing receipt was mailed in error because your check was returned without payment.
- ☐ 8. The application does not comply with the Sequence Rules.

See attached "Notice to Comply with Sequence Rules 37 CFR 1.821-1.825."

☒ 9. OTHER:

Small entity no signature

Direct the reply and any questions about this notice to "Attention: Box Missing Parts."

A copy of this notice MUST be returned with the reply.

Customer Service Center

Initial Patent Examination Division (703) 295-1200

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